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7 Attorney for Plaintiff

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF MONTANA
10 MISSOULA DIVISION

11 LARRY RAY JONES,

12 Plaintiff,

13 vs.

14 CAL-LES, LLC,

15 Defendant.

CAUSE NO.

COMPLAINT AND DEMAND FOR JURY
TRIAL

16 As his Claim against the Defendant, Plaintiff alleges:

17 **JURISDICTION**

18 1. For all times material hereto Plaintiff, Larry Ray Jones, has been and is now a
19 resident of Libby, Montana.

20 2. The Defendant, is a corporation incorporated under the laws of the state of
21 Wisconsin, with its principal offices situated in Green Bay, Wisconsin.

22 3. The amount in controversy, exclusive of interest and costs, exceeds the sum of
23 \$75,000.00.

24 4. Jurisdiction of this case, by the captioned Court, is claimed to exist by the reason
25 of diversity of citizenship and the jurisdictional amount in excess of \$75,000.00 pursuant to 28
26 USCS 1332.

CLAIM FOR TORT DAMAGES

5. On the afternoon of April 20, 2005, the Plaintiff was driving a Freightliner semi-trailer truck traveling in a general westerly direction on Star Route 33 at or near its intersection with mile post 33KER9.250 in Kern County, California at a speed of approximately 25 miles per hour.

6. At that time and place described in paragraph 5, a Freightliner semi-trailer truck owned by the Defendant and operated by its employee, Steven E. Smurawa, was traveling at a speed of approximately 45 miles per hour and following the Freightliner truck being driven by the Plaintiff.

7. That at that time and place described in paragraph 5, Plaintiff proceeded to make a left hand turn onto an escape ramp by activating his left-hand turn signal lamps and turning the wheel of his Freightliner truck to make the left-hand turn.

8. Contemporaneous with the Plaintiff proceeding to make the left-hand turn described in paragraph 7, the driver of Defendant's truck, Steven E. Smurawa, endeavored to pass the Freightliner truck operated by Plaintiff on the left hand side of the truck operated by Plaintiff and, as a consequence, caused a collision between the Freightliner truck operated by Plaintiff and the Freightliner truck of Defendant between the right side of the Defendant's vehicle and the left front portion of the truck operated by Plaintiff.

9. That under the circumstances existent, the collision was caused by the driver of Defendant's truck in making an unsafe passing maneuver, in violation of 21750VC and was thus negligence on the part of the driver of Defendant's truck.

10. As a consequence of the collision between the two trucks, as described herein, Plaintiff sustained injuries to his neck and to his left hand.

11. The personal injuries sustained by Plaintiff required the incurrence of medical treatment, including surgery on his left hand, the incurrence by Plaintiff of a loss of earnings and incurrence of impairment; and, the incurrence of pain and suffering of mind and body and the loss of an established course of living, with all of such damages being in the sum of \$125,000.00.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

LARRY RAY JONES,

Plaintiff,

vs.

CAL-LES, LLC,

Defendant.

CAUSE NO.

SUMMONS

To the above named Defendant:

YOU ARE HEREBY SUMMONED and required to serve upon William A. Douglas, plaintiff's attorney, whose address is P.O. Box 795 Libby, Montana 59923, an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Witness my hand and Seal of said Court this ____ day of April, 2007.

SEAL

PATRICK DUFFY,
Clerk of U.S. District Court

William A. Douglas
DOUGLAS LAW FIRM, P.C.
417 Mineral Avenue, Suite 3
P.O. Box 795
Libby, MT 59923

By: _____
Deputy Clerk